

REMARKS

Claims 1-18 and 20-63 are currently pending in the application. Claims 1, 16, 44, and 61 have been amended. Applicant respectfully submits that no new matter has been added. Reconsideration of the application as amended is respectfully requested.

Claims 1, 44, and 61 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,606,323 to Heinrich et al. (“Heinrich”) in view of U.S. Patent Publication No. 2003/0007473 to Strong et al. (“Strong”). Independent claim 1 relates to an identification device. Applicant respectfully submits that the combination of Heinrich and Strong fails to disclose at least one of the distinguishing features of independent claim 1, namely, an integrated circuit including a state selection means for randomly or pseudo-randomly selecting whether the device is in a first state or a second state. In addition, the cited references fail to disclose that a relatively smaller amount of a first current causes a receiving means of an identification device to not interfere with operation a second identification device in close proximity to the identification device.

Heinrich discloses a diode modulator. The diode modulator is controlled by a transponder electronic circuitry to conduct RF current from a second terminal to a first terminal of a RF transponder antenna in a first state of the transponder electronic circuitry and does not conduct appreciable current in a second state of the transponder electronic circuitry. In Heinrich, a diode is used as a variable load across an antenna and is switched “on” and “off” at a data rate changing a “reflection” coefficient of an antenna. In contrast to claim 1, the switching of the diode is not for the purpose of altering power consumption in a first state and a second state and does not cause a receiving means to not interfere with operation of a second identification device in close proximity to the identification device as claimed. In addition, claim 1 requires that a high current state (first state) and a low current state (second state) of the device is randomly or pseudo-randomly selected. Such features are not disclosed in Heinrich.

Strong discloses a wireless communication system and a wireless tag identification system that are configured to operate in a common environment while minimizing disruption of

both wireless communication system and asset location activities. According to Strong, operation of the wireless tag identification system is controlled to minimize interference of wireless signals with wireless communication of a wireless communication system. In contrast, according to independent claim 1, the relatively smaller amount of the first current causes the receiving means to not interfere with operation of a second identification device in close proximity to the identification device. Such feature is not disclosed in Strong.

For at least the reasons above, Applicant respectfully submits that independent claim 1 distinguishes over the combination of Heinrich and Strong and is in condition for allowance. Applicant respectfully requests that the 35 U.S.C. § 103(a) rejection of independent claim 1 be withdrawn.

Independent claim 44 relates to a system for identifying articles. Applicant respectfully submits that the combination of Heinrich and Strong fails to disclose at least one of the distinguishing features of independent claim 44, namely, an integrated circuit including a state selection means for randomly or pseudo-randomly selecting whether the device is in a first state or a second state. In addition, the cited references fail to disclose that a relatively smaller amount of a first current causes a receiving means of an identification device to not interfere with operation of a second identification device in close proximity to the identification device. For similar reasons to those stated above with respect to independent claim 1, Applicant respectfully submits that independent claim 44 also distinguishes over the combination of Heinrich and Strong. Applicant respectfully requests that the 35 U.S.C. § 103(a) rejection of claim 44 be withdrawn.

Independent claim 61 relates to a method for interrogating an identification device. Applicant respectfully submits that the combination of Heinrich and Strong fails to disclose at least one of the distinguishing features of independent claim 61, namely, randomly or pseudo-randomly selecting a first or second state for an identification device. In addition, the cited references fail to disclose that a relatively smaller amount of a first current causes a receiving means of an identification device to not interfere with operation of a second identification device

in close proximity to the identification device. For similar reasons to those stated above with respect to independent claims 1 and 44, Applicant respectfully submits that independent claim 61 also distinguishes over the combination of Heinrich and Strong. Applicant respectfully requests that the 35 U.S.C. § 103(a) rejection of claim 61 be withdrawn.

Claims 2-27, 33-36, 39-46, 54-60, and 62-63 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Heinrich in view of Strong and further in view of U.S. Patent No. 6,525,648 to Kubler et al. ("Kubler"). Claim 19 was previously canceled, thus rendering the rejection thereof moot.

Dependent claims 2-18 and 20-27, 33-36, 39-43, and 57-60 depend from and further restrict independent claim 1 in a patentable sense. Dependent claims 45-46 and 54-56 depend from and further restrict independent claim 44 in a patentable sense. Dependent claims 62-63 depend from and further restrict independent claim 61 in a patentable sense. Applicant respectfully submits that, for at least the reasons set forth above with respect to the rejection of independent claims 1 44, and 61, respectively, dependent claims 2-18 and 20-27, 33-36, 39-46, 54-60, and 62-63 distinguish over the combination of Heinrich and Strong and are in condition for allowance. Kubler relates to radio frequency identification (RFID) systems and methods for waking up data storage devices for wireless communications. Kubler fails to cure the deficiencies of Heinrich and Strong noted above. Withdrawal of the rejection of dependent claims 2-18 and 20-27, 33-36, 39-46, 54-60, and 62-63 is respectfully requested.

Claims 28-32, 37-38, and 47-53 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Heinrich in view of Strong and Kubler and further in view of U.S. Patent No. 5,970,398 to Tuttle ("Tuttle"). Dependent claims 28-32 and 37-38 depend from and further restrict independent claim 1 in a patentable sense. Dependent claims 47-53 depend from and further restrict independent claim 44 in a patentable sense. Applicant respectfully submits that, for at least the reasons set forth above with respect to the rejection of independent claims 1 and 44, respectively, dependent claims 28-32, 37-38, and 47-53 distinguish over Heinrich and Strong and are in condition for allowance. Kubler relates to radio frequency identification (RFID)

systems and methods for waking up data storage devices for wireless communications. Tuttle relates to adjustable radio frequency antenna circuits. Kubler and Tuttle fail to cure the deficiencies of Heinrich and Strong noted above. Withdrawal of the rejection of dependent claims 28-32, 37-38, and 47-53 is respectfully requested.

In view of the above amendment, Applicant respectfully submits that the present application is in condition for allowance. A Notice to that effect is respectfully requested.

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Respectfully submitted,

Electronic signature: /Shoaib A. Mithani/
Shoaib A. Mithani

Registration No.: 61,654
WINSTEAD PC
P.O. Box 50784
Dallas, Texas 75201
(214) 745-5400
Attorneys For Applicant